

MEDIA RELEASE
Taavel Family Responds to Joint Review of East Coast Forensic Hospital

Nov 5, 2012

In a letter dated Oct 31, 2012 and sent to the Ministers of Justice and Health, and the CEO of Capital Health, the common law spouse and family of Raymond Taavel have formally responded to the Joint Review of the East Coast Forensic Hospital's Community Access Privileges ("Joint Review").

Raymond's partner and spokesman for the Family, Darren Lewis, said, "the Family deeply appreciates the many expressions of public support they have received from the media and all sectors of our community. It must be remembered, that along with his compassion, Raymond had a strong sense of social and political justice and a desire to see right prevail over wrong. While he believed in co-operative conflict resolution, Raymond had the courage and passion to speak out and demand change when necessary to do so. In responding to the Joint Review, we seek to pay tribute to his commitment to justice, equity and positive change in our community".

"Nobody seeks to stigmatize the mentally ill in our community. The context, however, of the Joint Review must not be forgotten. As emphasized by the Supreme Court of Canada, "the mentally ill offender occupies a special place in the criminal justice system: he or she is spared the full weight of criminal responsibility, but **is subject** to those restrictions necessary to protect the public".

"We support the 18 important recommendations contained within the Joint Review to **"close the gaps"** found to exist within the system to treat and assess NCR (Not Criminally Responsible) offenders. However, in some areas more can and must be done to properly balance the joint goals identified by the Supreme Court of Canada, that of protection of the public, with fair and appropriate treatment of NCR offenders. The public must have confidence in this proper balancing of interests."

"It is tragically apparent to the Family that contrary to law and policy, it became common practice to allow NCR offenders to have unescorted passes to leave hospital grounds prior to any Criminal Code Review Board (CCRB) assessment. Further, too many NCR offenders given unescorted access to the public go Absent Without Leave (AWOL) with limited surveillance tools in place to permit authorities to safely and efficiently locate them and return them to treatment."

"It is incomprehensible to us, and indeed the public, that any NCR offender has been permitted unescorted access to the public, for any length of time, without a prior disposition hearing by the CCRB. The status quo represented a level of complacency, systemic negligence and abuse of policy that has shocked the public and was clearly unbalanced with regard to public protection and the rights of NCR offenders. Public confidence must be restored."

The Family has made 2 specific requests for further action in addition to the important Recommendations that Government has stated will be implemented within 6 months.

Darren Lewis says, “The focus should not be on the health or other effects of smoking facilities. The focus must be on ensuring the highest levels of training for mental health professionals, caregivers and worker, and the compliance with effective policies and the criminal law. The protection of the public must receive its proper weight along with effective treatment of NCR offenders in the transparent review and assessment of NCR offenders prior to unescorted access to the public.”

“However, more must also be done when NCR offenders are granted the privilege of unescorted public access as part of their treatment and potential reintegration to society. The Joint Review does not go far enough in its recommendations to enhance surveillance of NCR offenders released to the public: in particular, with respect to the issue of NCR offenders who have a history or risk of violence, such as Mr. Denny, the use of enhanced tools such as GPS technology must be implemented to ensure speedy and efficient location of those who go AWOL within the community – an occurrence that appears to happen far more frequently than known by the general public.”

“We note the support we received from the public and media following our initial comments on release of the Joint Review on Sept 18th – including an Editorial from The Herald supporting our call for use of GPS tracking in these limited circumstances, as used in other countries.”

“We urge the media, and through it the public, to ensure that the Government’s update report, to be released 6 months following the Joint Review, is given a thorough and critical evaluation, to confirm that both Government and Capital Health leadership have fully implemented the Joint Review recommendations, and take further action as we have outlined in our response.”

“We know that Raymond would support these demands. No offender held at a forensic hospital must ever have unescorted public access prior to proper CCRB review. Those offenders found to be **not criminally responsible for acts otherwise deemed criminal conduct**, who abuse the privilege of unescorted public access, must be subject to GPS tracking or other enhanced surveillance. The use of cell phones or pagers, which may or may not be kept activated, or even on the NCR offender’s person, are not effective tools to ensure quick and effective return to custody and treatment. We look forward to the Government’s implementation of these additional **necessary requirements** to ensure the **twin goals** of public protection and fair treatment of mentally ill offenders are satisfied across Nova Scotia, to **regain public confidence** in a **system** that is seen by many to be **broken**”

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Available until 3 pm central time November 5